

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-15-19-BMM

Plaintiff,

vs.

COBRA JADE SPOTTED WOLF,

Defendant.

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Mr. Spotted Wolf of violating his conditions of supervised release by (1) submitting a urine sample that tested positive for methamphetamine, and (2) absconding from the Great falls Prerelease Center. He admitted allegation 2 but denied allegation 1. The United States agreed to dismiss allegation 1 in exchange for Mr. Spotted Wolf agreeing to a sentence of five months in custody, with nineteen months of supervised release to follow.

II. Status

United States District Judge Brian Morris sentenced Mr. Spotted Wolf to twenty-eight months in custody, with twenty-four months of supervised release to follow, on October 15, 2015, after he pleaded guilty to Assault Resulting in Serious Bodily Injury. (Doc. 66.) He began his first term of supervised release on May 3, 2017.

Petition

The Probation Office filed a Petition for Warrant for Offender Under Supervision on June 28, 2017, accusing Mr. Spotted Wolf of violating the conditions of his supervised release by (1) submitting a urine sample that tested positive for methamphetamine, and (2) absconding from the Great falls Prerelease Center. (Doc. 78.) Judge Morris issued a warrant for his arrest based on the allegations in the petition. (Doc. 79.)

Initial appearance

Mr. Spotted Wolf appeared before the undersigned for an initial appearance on July 12, 2017, in Great Falls, Montana. Federal Defender David Ness accompanied him at the initial appearance. Assistant United States Attorney Jared Cobell represented the United States.

Mr. Spotted Wolf said he had read the petition and understood the allegations. He waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

Mr. Spotted Wolf admitted to allegation 2 but denied allegation 1. The United States agreed to dismiss allegation 1 in exchange for Mr. Spotted Wolf agreeing to a sentence of five months in custody, with nineteen months of supervised release to follow.

Mr. Spotted Wolf's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months. He could be ordered to remain on supervised release for twenty-four months, less any custody time imposed. The United States Sentencing Guidelines call for five to eleven months in custody.

III. Analysis

Mr. Spotted Wolf's supervised release should be revoked because he admitted to violating its conditions. He should be sentenced to five months in custody, with nineteen months of supervised release to follow. This sentence would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

IV. Conclusion

Mr. Spotted Wolf was advised that the above sentence would be recommended to Judge Morris. The Court reminded him of his right to object to these Findings and Recommendations within 14 days of their issuance. The

undersigned explained that Judge Morris would consider his objection, if it is filed within the allotted time, before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

Cobra Jade Spotted Wolf violated the conditions of his supervised release by absconding from the Great falls Prerelease Center.

The Court **RECOMMENDS:**

The district court should enter the attached Judgment, revoking Mr. Spotted Wolf's supervised release and committing him to the custody of the United States Bureau of Prisons for five months in custody, with nineteen months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 15th day of August 2017.



John Johnston
United States Magistrate Judge